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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,488	07/01/2003	Amneris C. Waters	22868.00	1709

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EXAMINER

HOUSTON, ELIZABETH

ART UNIT	PAPER NUMBER
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3731

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/609,488

Applicant(s)

WATERS ET AL.

Examiner

Elizabeth Houston

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/01/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

Claim 5 objected to because of the following informalities: typos (p12, line 13).

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark (USPN 1,910,750) in view of DeLaney (USPN 5,887,492). Clark teaches a pair of pivotally connected arms (1 and 2), each arm having a first end (right side Fig.1) and a second end (left side Fig.1); and a central portion between the first end and the second end, the arms being pivotally connected about midway between the first end and the second end (3), each arm having a thickness (Fig.2); and a jaw (6) formed in the second end of each arm, each jaw having a block shape thicker than the central portion and first end of the arm (left side of Fig.2), the jaws projecting from the central portion of the arms towards each other (Fig.1), each jaw having a semi cylindrical recess defined therein (col.2, line 5). As in claim 5, each jaw has an upper projection and a lower projection and a semi cylindrical recess defined between the upper and lower projections. Looking at figure 3, the lower projection is defined by the left side

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where (6) is pointing, and the upper projection is defined by the similar part on the left side. Clark does not disclose the ring handles or ratchet as stated in claims 1 and 5.

As in claim 2 and 6, Clark teaches the jaw further comprises a plurality of teeth defined therein (8, Fig.3). As in claims 4 and 8, Clark further discloses a jaw comprising an upper and lower projection having a planar face; the planar faces abutting when said ring handles are drawn together (Fig.1, Col.2, line 5).

However, DeLaney discloses a pair of pivotally connected arms (5a and 5b) with a ring formed in the first end of each said arm (7a and 7b), the ring defining a handle; and a ratchet extending from each arm, toward each other, adjacent the ring handle (6a and 6b) each ratchet having a plurality of teeth (see figs. 4, 5 and 6). DeLaney further teaches that prior-art is lacking in its ability to clamp, hold and torque (col.1 line 57). DeLaney's invention utilizes finger grips and serrated locking extensions to solve this problem in the art.

At the time of the invention it would have been obvious to one in the art to incorporate the ratchet and ring handles as taught by DeLaney into the invention of Clark. This combination is proper because the thrust of both inventions is directed to a device for gripping and torquing a cylindrical object. The motivation for this incorporation is provided by DeLaney who teaches that finger grips and serrated locking clips are an enhanced way of clamping, holding and torquing. One skilled in the art would have made this combination to enhance the holding and torquing of the device disclosed by Clark.

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Claims 3-4 and 7-8 rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in view of DeLaney. Clark in view of DeLaney meet the claim limitations as described above, but fail to teach the dimensions of the thickness of the jaw as recited in claims 3 and 7 and the dimensions of the cylindrical bore as in claims 4 and 8.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to fabricate the jaw to be between $\frac{3}{8}$ and $\frac{5}{8}$ inches thick because Applicant has not disclosed that the jaw being between $\frac{3}{8}$ and $\frac{5}{8}$ inches thick provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either the thickness of the jaw as shown in the figures in Clark or the thickness of the jaw as in claim 3 and 7 because both thicknesses perform the same function of gripping and torquing a cylindrical object. Therefore it would have been an obvious matter of design choice to modify Clark in view of DeLaney to obtain the invention as specified in claims 3 and 7.

As to claims 4 and 8, Clark in view of DeLaney meets the claim limitations as stated above, but fails to address the dimensions of the cylindrical bore having a diameter between about $\frac{3}{8}$ inch and $\frac{1}{2}$ inch. However Clark in view of DeLaney discloses a gripping device that is intended to grip light bulbs. It is well known in the art that light bulbs come in a variety of sizes, some measuring about $\frac{1}{2}$ inch in diameter. So, it is apparent that the jaws would be dimensioned so as to accommodate various sizes of light bulbs.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Clark in view of DeLaney to obtain the invention as specified in claims 4 and 8.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth Houston whose telephone number is 703-305-0583. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan Nguyen can be reached on 703-308-2154. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

eh


ANH TUAN T. NGUYEN
PRIMARY EXAMINER

10/12/04